

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EMANUEL THOMAS NEWMAN,
Plaintiff

v.

RONALD L. JURY, et. al.,
Defendants

CIVIL ACTION NO. 1:CV-01-0677

(Judge Rambo)

FILED
HARRISBURG, PA

SEP 13 2001

ORDER

MARY E. D'ANDREA, CLERK
Per MA
Deputy Clerk

On April 18, 2001, plaintiff filed a complaint pursuant to 28 U.S.C. § 1331. Currently pending before the Court is plaintiff's "motion to amend his reply to defendant's answer".¹ (Doc. 21.)

Rule 7(a) of the Federal Rules of Civil Procedure states that "(t)here shall be a complaint and an answer No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer." Defendants filed an answer (Doc. 13) on July 16, 2001. This court has not ordered a reply to answer; therefore, a reply is not proper.

Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion to amend his reply to defendant's answer (Doc. 21) is **denied.**

¹Plaintiff had previously misconstrued defendants' answer to be a motion for summary judgment. Plaintiff filed a brief in opposition to the alleged motion for summary judgment. Plaintiff requests to amend his brief to be a reply to defendants' answer.

2. The Clerk of Court is directed to strike plaintiff's brief in opposition to defendants' summary judgment motion² (Doc. 19) from the record and return the document to plaintiff.


SYLVIA H. RAMBO
United States District Judge

Dated: September 13, 2001.

²Defendants' have not filed a motion for summary judgment.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

Re: 1:01-cv-00677 Newman v. Jury

True and correct copies of the attached were mailed by the clerk
to the following:

Emanuel Thomas Newman 13418-039
FCI-Pekin
P O Box 5000
Pekin, IL 61555-5000

Mark E. Morrison, Esq.
U.S. Attorney's Office
Harrisburg, PA. 17101


cc:

| | | |
|-------------------------|------|--|
| Judge | (X) | (X) Pro Se Law Clerk |
| Magistrate Judge | () | () INS |
| U.S. Marshal | () | () Jury Clerk |
| Probation | () | |
| U.S. Attorney | () | |
| Atty. for Deft. | () | |
| Defendant | () | |
| Warden | () | |
| Bureau of Prisons | () | |
| Ct Reporter | () | |
| Ctroom Deputy | () | |
| Orig-Security | () | |
| Federal Public Defender | () | |
| Standard Order 93-5 | () | |
| Order to Show Cause | () | with Petition attached & mailed certified mail |
| | | to: US Atty Gen () PA Atty Gen () |
| | | DA of County () Respondents () |
| Bankruptcy Court | () | |
| Other _____ | () | |

MARY E. D'ANDREA, Clerk

DATE: September 13th, 2001

BY:


Deputy Clerk